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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,687	07/01/2003	Scott Walter	191.0014901	4395
23445	7590	07/25/2005	EXAMINER	
THE BILICKI LAW FIRM, PC 1285 North Main Street JAMESTOWN, NY 14701			KLEBE, GERALD B	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/612,687	Applicant(s) WALTER, SCOTT	
	Examiner Gerald B. Klebe	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 61-98 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 61-98 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

G.B. Klebe
11 July 2005

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. The amendment filed 05/27/2005 under 37 CFR § 1.111 has been entered. Claims 61-98 are pending in the application, claims 16, 29, and 42-60 being cancelled and new claims 61-98 being added by the amendment.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 61-68, 74-78, 79-81, 87-93 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly (US 2002/0077222 A1) in view of Autissier (FR 2831452).

a. Daly discloses a device for use on a trampoline comprising: **(re: claims 61, 75 and 88)** a board(Fig 1, item 10) **re the limitations of claim 61:** having a front end and a back end (not separately numbered), wherein the front end and back end are each curved up from a horizontal plane of the board (see Figs 2, 3); at least one securing member (20) secured to the board, and adapted to receive a user's feet (para [0020]); and a non-slip gripping layer disposed on the board to prevent the user's feet from slipping (item 30, refer para [0021]); and, **re the further limitations of claims 75 and 88:** having a top surface, and a bottom surface (not separately numbered) and wherein the front end and the back end are each curved up from a horizontal plane of the board (refer Daly, Figs 2 and 3) (**claim 75**), and from a horizontal plane

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of the trampoline (the plane of the trampoline being assumed horizontal when the board is placed upon the trampoline surface, the ends of the board will curve upward from the trampoline surface as well as curve upward from the horizontal plane of the board), (**claim 88**), forming a shallow U-shape (Fig 2, 3), and where each of the two securing members (20) are adapted to receive one of the user's feet and create an interference fit between the user's feet and the board (by virtue of the securing member being elastic (para [0020]), it secures the bottom of the user's feet to the top surface of the board) (**claim 75**), and the securing member adapted to receive both of the user's feet (by virtue of the securing member being elastic (para [0020]), it is considered to be able to secure both feet of the user), the securing member penetrating through the board and being attached to the board at the bottom surface (refer Daly para [0024] (**claim 88**); and (**re: claims 62, 76 and 89**) wherein the board is of a shape selected from a group comprised generally of ovular, circular, rectangular, hexagonal and elliptical shape (referring to Fig 1, the shape of Daly's board could be considered as shaped generally as any one of: ovular circular, rectangular, hexagonal or elliptical); and (**re: claim 63**) wherein the board is a substantially shallow and generally elongated U-shape (refer Figs 2 and 3); and (**re: claims 64, 77 and 90**) wherein the board is made of material selected from a group comprised of foam and polyurethane (see para [0022], lines 7-9); and (**re: claims 65, 79 and 91**) wherein the at least one securing member (20) is made of a material selected from a group comprised of a rubber, a rubber-like material, a plastic, a leather, a foam, and a nylon or other synthetic material (refer para [0025]); and (**re: claims 66, 80 and 92**) wherein the securing member further includes an adjustment mechanism (refer para [0020] where the securing member is disclosed as being elastic, and therefore is considered adjustable, as broadly claimed); and wherein (**re: claims 67, 81 and 93**) the

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adjustment mechanism is selected from a group comprised of a strap with buckle, a stretchable material, and a hook-and-loop mechanism (refer para [0020] and para [0025] where the securing member is disclosed as being elastic, as in being made of bungee cord); and wherein (**re: claim 68**) the at least one securing member consists of a first securing member and a second securing member or a single securing member to secure both of the user's feet to the board (by virtue of being elastic, a single securing member is considered to be capable of securing both of the user's feet); and (**re: claim 74, 87 and 98**) wherein the non-slip gripping layer has a plurality of holes, the board has a plurality of recesses, and each of the at least one securing member penetrates the plurality of holes of the non-slip layer and is secured to the board using a screw or by being tied off in a knot, the knot or a protrusion of the screw being within one of the plurality of recesses within the board (refer Daly figs 2 and 3, and para [0024]).

b. **Regarding the further limitation of claims 61, 75 and 88** of a non-slip gripping layer adhered to and substantially coextensive with the top surface of the board to prevent a user's feet from slipping and to facilitate gripping of the board by the user's hand, Daly's non-slip gripping layer (Fig 1, items 30) adhered to the top of the board (refer para [0021]) is disclosed as extending only under the securing member's rather than being disposed substantially co-extensively on the board.

c. However, Autissier teaches a board device for use on a trampoline wherein the upper surface layer of the board is a non-slip surface (refer to the English language abstract).

d. Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the device of Daly to have the non-slip layer adhered to cover the entire upper surface of the board in accordance with the teachings of

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Autissier in order to provide a more extensive non-slip surface area, including over the complete upper surface of the board, for use when, say, the user is engaging in extreme stunt aerials.

Regarding the limitations of claim 78 wherein the board is made of non-slip material, the combination of Daly and Autissier as applied above discloses all of the features of claim 75 from which claim 78 depends. However, the combination of Daly and Autissier lacks explicit disclosure of the material from which the board is made.

But, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have made the board of any appropriate material, including a non-slip material since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use, as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

4. Claims 69-73, 82-86 and 94-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly (US 2002/0077222 A1) in view of Autissier (FR 2831452) and further in view of Simon (US 6196558).

As discussed above, the combination of Daly and Autissier meets all of the limitations of claim 68 from which claim 79 depends, meets all of the limitations of claim 61 from which claims 70-73 depend, meets all of the limitations of claim 75 from which claims 82-86 depend, and meets all of the limitations of claim 88 from which claims 94-97 depend.

The combination of Daly and Autissier lacks explicit disclosure (**re: claims 70, 83 and 94**) wherein the at least one securing member includes at least one heel securing member; and (**re: claim 71, 84 and 95**) wherein the heel securing member further includes an adjustment mechanism; and (**re: claims 72, 85 and 96**) wherein the at least one securing member and at

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least one heel securing member are secured to the board by a mechanism selected from a group comprised of a screw, a plurality of holes penetrating the board and the at least one securing member and the at least one heel securing member each penetrating one of the plurality of holes and being tied off in a knot at a bottom surface of the board; and **(re: claim 73, 86 and 97)** wherein the bottom surface further includes a plurality of recesses to accommodate each of the said screw or the said knot.

However, Simon teaches a board for use on a trampoline wherein **(re: claims 70, 83 and 94)** wherein the at least one securing member includes at least one heel securing member (Simon, Fig 5, items 506 and 508; and refer col 5, lines 9-11); and **(re: claim 71, 84 and 95)** wherein the heel securing member further includes an adjustment mechanism (refer Simon, col 5, lines 24-40); and **(re: claims 72, 85 and 96)** wherein the at least one securing member and at least one heel securing member are secured to the board by a mechanism selected from a group comprised of a screw, a plurality of holes penetrating the board and the at least one securing member and the at least one heel securing member each penetrating one of the plurality of holes (see Fig 4) and being tied off in a knot at a bottom surface of the board (refer Simon, Fig 2 and Fig 4 and col 5, lines 51-54); and **(re: claim 73, 86 and 97)** wherein the bottom surface further includes a plurality of recesses to accommodate each of the said screw or the said knot (refer Fig 2 and col 4, lines 55-60 and col 4, line 68 to col 5, line 3).

Examiner's note: Although Simon lacks explicit disclosure of the use of knots at a bottom surface of the board to tie off and attach the securing members, this technique is disclosed by Daly at para [0024] (and refer Daly Figs 2 and 3, items 22).

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Regarding the features of claims 69 and 82, wherein the two securing members are arranged at an angle to one another, Simon (Figs 1A and 1B) teaches the arrangement of the securing members as being angled relative to one another (refer col 3, lines 13-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the combination of Daly and Autissier as applied above to include the further features taught by Simon as discussed here in order to provide board having securing members that include heel securing members attached through holes penetrating the board and being tied off in a knot at a bottom surface of the board and including a plurality of recesses to accommodate each of the knots and to arrange the securing members in angled orientation relative to one another in order to provide more secure fixtures for holding the feet of the user to the board and for accommodating different stances for riding the board as suggested by the Simon reference at column 3, lines 13-25.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Action made Final New Grounds Necessitated by Amendment

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Prior Art made of Record

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art of Gille et al.; of Wingard; of Hamel; of Gordon; and of Jeandin each show features in common with some of the other structures of the inventive concept disclosed in the instant application.

Conclusion

8. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 571-272-6695; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 571-272-6914.


Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

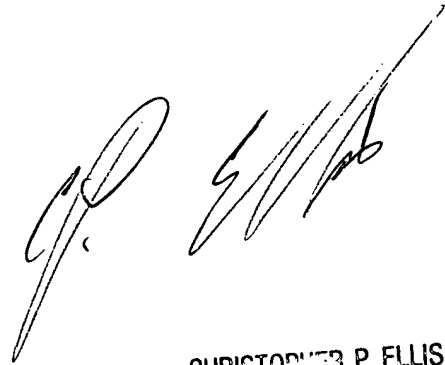
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